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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/711,650

09/29/2004

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EXAMINER

SILBERMANN, JOANNE

ART UNIT

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

MAILED

AUG 07 2007

GROUP 3600

Application Number: 10/711,650
Filing Date: September 29, 2004
Appellant(s): SHAW, CALVIN CHARLES

Michael R. Nichols
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 26 June 2007 appealing from the Office action mailed 20 February 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

4,391,053	ANTHONY	7-1983
4,849,056	RISTUCCIA, SR.	7-1989
5,524,373	PLUMLY	6-1996

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-3 and 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony, US #4,391,053 in view of Ristuccia, Sr. US #4,849,056.

Anthony teaches an apparatus for framing a work comprising frame 48 (Figure 7), first mat 46 having openings, second mat 40 having a plurality of slits (Figure 9), and mount board 60 positioned to hold the mats and frame in place. First mat 46 is held in place by mounting points 74 (figure 7). The work to be framed is threaded through slits (such as 80, 81) then mounted in the frame with the other mat. The work is considered to be a greeting card.

Anthony does not teach the entire length of an edge of the work threaded through at least one of the slits, however this is well known in the art. Ristuccia, Sr. teaches work 56 (Figures 5A-5D) threaded through slits 50 and 52 to be supported on sheet 20. It would have been obvious to a person having ordinary skill in the art to utilize slits of this type in the apparatus of Anthony so as to provide a more secure holding means for the work.

Claims 4-8 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anthony and Ristuccia, Sr. as applied to claims 1 and 11 above, and further in view of Plumly, US 5,524,373.

Anthony (as modified by Ristuccia, Sr.) does not teach the surfaces of the mat and mount board as having detachable attachment surfaces, however such surfaces are well known in the art of displays. Plumly teaches a display wherein an advertisement and mat are held with respect to a frame by means of magnetic

Art Unit: 3611

attachment surfaces (Figure 6). Magnetic layer 31 holds the advertisement in place. It would have been obvious to a person having ordinary skill to utilize such a magnetic layer in the frame of Anthony (as modified) so as to retain the layers in place while still providing a flat display.

Plumly also teaches aperture 45 for removing the back. Plumly does not teach the use of a ribbon. It would have been obvious to one of ordinary skill to substitute a ribbon for the hook used with this aperture as an equivalent means for removing the backing layer. The examiner also takes official notice of additional structures commonly attached to the back layer of picture frames to enable a user to pull the back layer off so as to change the picture.

(10) Response to Argument

Claims 1 and 11

Applicant argues that there is not a proper motivation to combine the Anthony and Ristuccia, Sr. references, that the combination would defeat the purpose of Anthony, and that the references are not directed to the problem solved by the present invention.

Regarding the motivation, as stated in the rejection the slits of Ristuccia, Sr. would provide a more secure holding means by retaining a larger part of the display element instead of just two corners thereof, as shown in Anthony. Additionally, this is considered to be obvious because the substitution of one known element for another would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

Art Unit: 3611

Regarding the destruction of the Anthony reference, Ristuccia, Sr. specifically states that the display is to be secured (column 3 line 56) to the index card. This does not imply that the card will slide out.

Regarding the problem solved, Applicant's invention, Anthony, and Ristuccia, Sr. are all concerned with solving the problem of retaining a display in position with respect to a backing member.

Claims 8 and 18

Applicant argues that the references do not teach or suggest all the elements of the claims, particularly since the references do not use the word "envelope" at all.

Claim 8 is a method claim, reciting a method of framing a work comprising threading, positioning, and attaching. The designation in dependent claim 8 of the item being an envelope does not further limit the method of claim 1 (or intermediate claim 7).

Claim 18 further limits claim 16 which recites the second detachable attachment surface is "adapted to be affixed to an item associated with the work." The item is not recited as part of the claimed invention. The structure shown by the references is adapted to be affixed to an associated item, and may be affixed to an envelope.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Application/Control Number: 10/711,650

Page 6

Art Unit: 3611


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